federal register

THURSDAY, APRIL 28, 1977

PART II

DEPARTMENT OF AGRICULTURE

Food Safety and Quality Service

■

FROZEN STRAWBERRIES; CANNED CLINGSTONE PEACHES AND TABLE MAPLE SIRUP

United States Standards for Grades

DEPARTMENT OF AGRICULTURE

Food Safety and Quality Service

[7 CFR Part 52]

UNITED STATES STANDARDS FOR GRADES OF FROZEN STRAWBERRIES [1]

AGENCY: Food Safety and Quality Service, USDA.

ACTION: Proposed Rule.

SUMMARY: This second proposed rule would change the grading standards for frozen strawberries. This action is being taken at the request of the American Frozen Food Institute. The effect of this second proposal would be to extend the time for comments to previously proposed changes in the standards.

DATE: Comments, in duplicate, must be received on or before October 30, 1977.

ADDRESS: Send comments to: Hearing Clerk, U.S. Department of Agriculture, Room 1077, South Building, Washington, D.C. 20250. Comments will be available for public review at the same address during regular business hours.

FOR FURTHER INFORMATION CONTACT:

Dale C. Dunham, Processed Products Standardization and Inspection Branch, Fruit and Vegetable Division, Food Safety and Quality Service, U.S. Department of Agriculture, Washington, D.C. 20250. (202-447-4693).

SUPPLEMENTARY INFORMATION:

EDITORIAL NOTE.—Food Safety and Quality Service intends to establish a new Chapter XXVIII in Title 7 of the Code of Federal Regulations. When this proposed rule is adopted, it will be recodified in Part 2852 of Title 7, Chapter XXVIII.

A notice of proposed rulemaking to revise the United States Standards for Grades of Frozen Strawberries was published in the FEDERAL REGISTER of July 9, 1976 (41 F.R. 28291). Interested persons were given until August 31, 1976 to submit written data, views, and comments regarding the proposal.

Comments were received from eight persons representing two frozen strawberry processors, five individual consumers, and one national association regarding the proposal.

Comments from two of the consumers expressed agreement with the more restrictive requirements proposed for disintegrated and mushy strawberries. One of these favored the attributes approach on the basis that it provides for a greater degree of reliability for acceptance sampling. Three consumers expressed concern regarding artificial coloring in frozen strawberries. Neither the current USDA grade standards for frozen strawberries nor the proposed revision provides for the addition of artificial or natural coloring.

[1] Compliance with the provisions of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act, or with applicable State laws and regulations.

The two frozen strawberry processor representatives opposed the attributes concept, basically on the grounds that it is too complicated. Some of the objections raised by one of these pertained to the International Standards for Quick Frozen Strawberries issued by the Codex Alimentarius Commission FAO/WHO and the proposed standards of identity and quality published by the Federal Food and Drug Administration. The subject matter objected to was not a part of the proposed USDA grade standard for frozen strawberries.

The comment from the national association, The American Frozen Food Institute, which represents the majority of the frozen strawberry packers in the United States suggested a second proposal be published to give interested persons additional time to become familiar with the attributes concept and to study the proposed changes. The justification offered was that the period from July 9, 1976, to October 31, 1976, was not adequate for a reliable study since the season for the production of frozen strawberries was over in many areas before or shortly after the July 9, 1976, publication date of the proposal.

After careful consideration of all comments received pertaining to the first proposed revision the Department is offering a second proposal to give interested persons additional time to become familiar with the attributes concept and study the proposed changes. The second proposal is basically the same as the first except for some minor editorial changes and except that the character factor for the styles of halved and sliced is made a prerequisite quality factor instead of a classified defect. The acceptable quality levels (AQL's) have been adjusted slightly from the first proposal to make the lot inspection plan and the on-line inspection plan more compatible. In addition a separate compliance procedure for unofficial samples would be added.

The proposed revision of §§ 52.1981–52.1989 is as follows:

Subpart—United States Standards for Grades of Frozen Strawberries

Sec.

52.1981 Product description.
52.1982 Styles.
52.1983 Definition of terms.
52.1984 Sample unit size.
52.1985 Grades.
52.1986 Factors of quality and grade compliance.
52.1987 Sample size.
52.1988 Compliance with quality requirements.
52.1989 Compliance for unofficial samples.

* * * * *

AUTHORITY: Agricultural Marketing Act of 1946, Secs. 203, 205, 60 Stat. 1087, as amended 1090, as amended; 7 U.S.C. 1622, 1624.

NOTE.—Compliance with the provisions of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act, or with applicable State laws and regulations.

§ 52.1981 Product description.

Frozen strawberries means the product represented as defined in the proposed Standards of Identity for Frozen Strawberries which were published in the FEDERAL REGISTER of October 4, 1974 (39 FR 35809) pursuant to the Federal Food, Drug, and Cosmetic Act.

§ 52.1982 Styles.

(a) *"Whole"* means frozen strawberries that are essentially intact.

(b) *"Sliced"* means frozen strawberries produced by slicing whole strawberries into slices such that the majority of the slices have two approximately parallel cut surfaces.

(c) *"Halves"* means frozen strawberries that have been cut into two approximately equal parts.

§ 52.1983 Definition of terms.

(a) *Absolute Limit (AL).* Limit for maximum number of defects permitted in a sample unit.

(b) *Acceptable Quality Level (AQL).* A nominal value expressed in percent defective or defects per hundred units, whichever is applicable, specified for a given class of defects such that the sampling plan will result in acceptance of 95 percent of submitted inspection lots containing the percentage of defective items or defects per hundred units.

(c) *Acceptance Limit* (denoted by the symbol "L"). As used in the cumulative sum (Cusum) sampling plans, acceptance limit is the maximum allowable accumulation of defects exceeding the sample unit tolerance (T) in any sample unit or any consecutive number of sample units.

(d) *Character.* Character refers to the firmness, the degree of seediness, and degree of disintegration.

(1) *Disintegrated.* Means—

(i) With respect to whole strawberries:

(A) A whole strawberry that is smashed or crushed to the extent that it has completely lost resemblance to its orginal conformation due to crushing; or

(B) A whole strawberry that is so soft as to be a pulpy mass.

(ii) With respect to halved and sliced style, mushy units or portions thereof that are so soft as to be a pulpy mass or have separated into small pieces which have no conformation.

(2) *Seedy.* Means a strawberry in which the seeds have become abnormally enlarged and are present in such quantity as to materially affect the eating quality.

(e) *Chips.* In whole strawberries means a portion or small piece that has been broken or severed from a whole strawberry and is approximately one fourth or less of an average apparent whole strawberry.

(f) *Color.* Color refers to the degree of redness of the individual strawberries characteristic of the variety, and to the brightness and overall color appearance of the sample unit.

(1) *Well colored.* The outer uncut surface of the individual strawberry units is a pinkish-red to intense red color and free from any grayish or brownish cast. Such color includes the whitish or light colored areas around the stem cavity that do not extend over the shoulder of the strawberries.

(2) *Fairly well colored.* The outer uncut surface of the individual strawberry units is a reddish-pink to pale pink, and may possess a slight grayish or brownish cast. Such units may possess white, pinkish-white or green areas that do not exceed 25 percent of the outer uncut surface area, exclusive of the stem cavity, in the case of whole strawberries and 50 percent of the outer uncut surface in the case of sliced or halved strawberries.

(3) *Partially uncolored (whole strawberries only).* Not less than 25 percent and not more than 75 percent of the outer uncut surface is a white, pinkish-white or green color.

(4) *Completely uncolored (whole strawberries only).* More than 75 percent of the outer uncut surface is a white, pinkish-white or green color.

(5) *Uncolored (sliced, halved).* Fifty percent or more of the outer uncut surface is a white, pinkish-white or green color.

(6) *Materially darkened.* Strawberries that are materially darkened due to over-maturity and are a blackish-red or brownish-red color.

(g) *Cumulative sum sampling plan* (denoted by the term "Cusum"). An on-line sampling plan which accumulates number of defects in a sample that exceed a specific sample unit tolerance. A portion of production is acceptable (meets grade requirements) if the cumulative sum of defects that exceed the sample unit tolerance does not exceed the specified acceptance limit.

(h) *Damaged (other than mechanical damage).* A strawberry, or portion thereof, that is damaged by sunburn, insect bites or bird pecks to the extent that the appearance or eating quality is materially affected.

(i) *Defects.* Any specifically defined variation from a particular requirement. Defects are classified as "minor" "major", "severe" and "critical".

(j) *Extraneous vegetable material (measurable by area).* Harmless vegetable substances such as calyces and leaves or portions thereof.

(k) *Extraneous vegetable material (not measurable by area).* Harmless vegetable substances such as strawberry vines, weeds, weed seeds, grass and any portions thereof.

(l) *Grit, sand or silt.* Any particles of earthly material.

(m) *Mechanical damage.* In the case of whole strawberries means a unit that is less than 90 percent intact but not less than 25 percent of an apparent whole strawberry.

(n) *Not normally developed.* A strawberry or portion thereof that is affected by a hard, seedy or deformed end to the extent that the appearance or eating quality is adversely affected:

(1) Materially; or

(2) Seriously.

(o) *Sample.* The number of sample units to be used for inspection of a lot.

(p) *Sample unit.* The amount of product specified to be used for inspection. It may be:

(1) The entire contents of a container; or

(2) A portion of the contents of a container; or

(3) A combination of the contents of two or more containers; or

(4) A portion of unpacked product.

(q) *Sample unit tolerance* (denoted by the symbol "T"). As used in the cumulative sum (CUSUM) sampling plans is the allowable number of defects in any sample unit.

(r) *Small size strawberry.* Means a strawberry of which the greatest dimension measured at right angles to a straight line extending from the stem to the apex is less than 16 mm (0.62 in).

(s) *Stem.* A stem that attaches the strawberry to the plant that is either loose or attached and is longer than 3 mm (0.12 in).

(t) *Unit.* A whole strawberry or half or slice of a strawberry.

§ 52.1984 Sample unit sizes.

(a) Compliance with requirements for factors of quality and style (whole style only) is based on the following sample unit sizes:

(1) Whole strawberries with or without a packing medium—100 berries.

(2) All other styles—650 g (22.9 oz) total product (Strawberries plus packing medium).

(b) In the style of whole, each piece of a disintegrated and mechanically damaged berry is counted as one berry—pieces are not reassembled to an apparent whole berry.

(c) Chips, in whole style, detached stems and other extraneous material are not included in the count or weight of the sample unit size. Such chips and extraneous material are considered part of the sample unit:

(1) When they are in a container whose entire contents are included in the sample unit;

(2) When they are in the last of several containers included in the sample unit and 50 percent or more of the contents are required for the sample unit. None of the chips and extraneous material in the last of several containers is considered part of the sample unit when less than 50 percent of its contents are required for the sample unit; and

(3) When they are commingled with all of the product required for the sample unit and such product is taken from, but is not the entire contents of a single container.

§ 52.1985 Grades.

(a) *"U.S. Grade A"* is the quality of frozen strawberries that:

(1) Meets the following prerequisites in which the strawberries:

(i) Have a normal flavor and odor;

(ii) As a mass possess a bright, overall color appearance;

(iii) Are practically free from grit, sand or silt;

(iv) In whole style, have not more than 5 cm^2 (equivalent of 1 cm×5 cm or 0.775 sq in) of extraneous vegetable material, and in sliced and halved styles, not more than 2.5 cm^2 (equivalent of 1 cm×2.5 cm or 4.388 sq in) of extraneous vegetable material;

(v) In sliced and halved styles, have not more than 65 g (2.29 oz) of disintegrated and seedy berries; and

(vi) In whole style, have not more than 12 g (.4 oz) of chips;

(2) With respect to whole style the number of "small size" berries does not exceed the Absolute Limit (AL value) and/or acceptance values in table I in the case of lot inspection, or in table Ia, in the case of on-line inspection; and

(3) Is within the limits for defects as classified in table II or III and specified for Grade A in table IV or V as applicable for the styles, in the case of lot inspection, or table IVa, or Va in the case of on-line inspection.

(b) *"U.S. Grade B"* is the quality of grozen strawberries that:

(1) Meets the following prerequisites in which the strawberries:

(i) Have a normal flavor and odor;

(ii) As a mass possess a reasonably good overall color appearance;

(iii) Are reasonably free from grit, sand or silt;

(iv) In whole style, have not more than 12 cm^2 (equivalent of 1 cm×12 cm or 1.86 sq in) of extraneous vegetable material, and in sliced and halved styles, not more than 5 cm^2 (equivalent of 1 cm×5 cm or 0.775 sq in) of extraneous vegetable material;

(v) In sliced and halved styles, have not more than 162.5 g (5.74 oz) of disintegrated and seedy berries; and

(vi) In whole style, have not more than 25 g (.9 oz) of chips; and

(2) Is within the limits for defects as classified in table II or III and specified for grade B in table IV or V as applicable for the style, in the case of lot inspection, or in table IVa or Va in the case of on-line inspection.

(c) *"U.S. Grade C"* bulk pack intended for remanufacture only (in containers with more than 2.7 kg (6 lb) net weight) is the quality of frozen strawberries that:

(1) Meets the following prerequisites in which the strawberries:

(i) Have a normal flavor and odor;

(ii) As a mass possess a fairly good overall color appearance;

(iii) Are fairly free from grit, sand or silt;

(iv) In whole style, have not more than 13 cm^2 (equivalent of 1cm×13 cm or 2.02 sq in) of extraneous vegetable material, and in sliced and halved styles, not more than 7 cm^2 (equivalent of 1 cm×7 cm or 1.09 sq in) of extraneous vegetable material;

(v) In sliced and halved styles, have not more than 260 g (9.19 oz) of disintegrated and seedy berries; and

(vi) In whole style, have not more than 125 g (4.4 oz) of chips; and

(2) Is within the limits for defects as classified in table II or III and specified for grade C in table IV or V as applicable for the style, in the case of lot inspection, or in table IVa or Va in the case of on-line inspection.

(d) *"Substandard"* is the quality of frozen strawberries that fail to meet the requirements for "U.S. Grade B" (consumer pack containers 2.7 kg (6 lb) or less) or "U.S. Grade C" (bulk pack intended for remanufacturing only in containers with more than 2.7 kg (6 lb) net weight).

§ 52.1986 Factors of quality and grade compliance.

(a) *Factors of quality.* The grade of a lot of frozen strawberries is based on compliance with requirements for the following quality factors:

(1) Flavor and odor (a prerequisite);

(2) Size (for whole style in Grade A only with respect to small size strawberries);

(3) Freedom from grit, sand, or silt (a prerequisite);

(4) Overall color appearance as a mass (a prerequisite);

(5) Color (individual units);

(6) Workmanship;

(7) Character (a prerequisite for halved and sliced style); and

(8) Chips (a prerequisite for whole style).

(b) *Grade compliance.* Defects are classified as minor, major, severe or critical in table II or III as applicable. Each "X" mark represents one defect. Compliance with requirements for the various grade classifications are specified in table I, IV, V, Ia, IVa, Va, VI, VII or VIII as applicable.

TABLE I.—*Allowances for "small size" whole strawberries (grade A only) sample unit size, 100 berries lot inspection*

Absolute limit (AL)	9

Number of sample units	Number of berries	Number "small size" berries
3	300	15
6	600	27
13	1,300	53
21	2,100	82
29	2,900	110
38	3,800	142
48	4,800	177
60	6,000	218
Acceptable quality level (AQL)		3.25

TABLE Ia.—*CUSUM Sampling plan on-line inspection*

	Allowances for "small size" berries	
	T	L
	4	3
AQL	3.25	

TABLE II.—*Classification of defects, whole*

Quality factors	Defects	Classification		
		Minor	Major	Severe
Color	Fairly well colored (in grades A and B)	X		
	Partially uncolored and materially darkened		X	
	Completely uncolored			X
Workmanship	Not normally developed (affected):			
	Materially		X	
	Seriously			X
	Damaged (other than mechanical)		X	
	Stems		X	
	Extraneous vegetable material: Not measurable by area			X
	Mechanical damage	X		
Character	Disintegrated berries; seedy berries	X		

TABLE III.—*Classification of defects, halved, sliced*

Quality factors	Defects	Classification		
		Minor	Major	Severe
Color	Fairly well colored (in grades A and B only)	X		
	Uncolored and materially darkened		X	
Workmanship	Not normally developed (affected):			
	Materially		X	
	Seriously			X
	Damaged			X
	Stems			X
	Extraneous vegetable material: Not measurable by area			X

TABLE IV.—*Grade compliance, whole lot inspection*

		Grade A			Grade B			Grade C		
Absolute limit (AL)		23	10	6	42	23	10	50	28	17
Number of sample units	Number of units	Total[1]	Major	Severe	Total[1]	Major	Severe	Total[1]	Major	Severe
3	300	48	18	8	96	48	18	115	59	32
6	600	89	32	14	183	89	32	221	112	59
13	1,300	183	64	27	382	183	64	463	232	121
21	2,100	289	99	41	606	289	99	736	366	189
29	2,900	394	134	54	829	394	134	1,008	499	257
38	3,800	511	172	69	1,079	511	172	1,312	649	333
48	4,800	640	215	86	1,355	640	215	1,649	814	416
60	6,000	795	266	105	1,686	796	266	2,053	1,011	516
Acceptable quality level (AQL)		12.50	4.0	1.50	27.0	12.50	4.0	33.0	16.0	8.0

[1] Total=Minor plus major plus severe.

TABLE IVa.—*Cusum sampling plan on-line inspection*

	Grade A						Grade B						Grade C					
	Total[1]		Major		Severe		Total[1]		Major		Severe		Total[1]		Major		Severe	
	T	L	T	L	T	L	T	L	T	L	T	L	T	L	T	L	T	L
	14	7	5	3	2	2	30	10	14	7	5	3	36	12	18	8	9	5
AQL	12.50		4.0		1.50		27.0		12.50		4.0		33.0		16.0		8.0	

[1] Total=minor plus major plus severe.

TABLE V.—*Grade compliance lot inspection sliced; halved (color; workmanship)*

			Grade A			Grade B			Grade C		
Absolute limit (AL)			28	14	12	47	26	23	42	36	28
No. of sample units	Weight of product		Total[1]	Major	Severe	Total[1]	Major	Severe	Total[1]	Major	Severe
	Grams	Ounces									
3	1,950	69	59	26	21	107	54	49	96	81	69
6	3,900	138	112	49	38	205	102	91	184	153	112
13	8,450	299	232	98	75	428	210	188	385	319	232
21	13,650	482	366	153	117	680	331	296	611	506	366
29	18,850	666	499	208	159	930	451	403	835	692	499
38	24,700	873	649	269	205	1,211	586	523	1,086	899	649
48	31,200	1,102	814	336	255	1,522	734	655	1,365	1,129	814
60	39,000	1,378	1,011	416	316	1,894	912	814	1,698	1,404	1,011
Acceptable quality level (AQL)			10.0	4.0	3.0	19.0	9.0	8.0	17.0	14.0	10.0

[1] Total=minor plus major plus severe.

TABLE Va.—*Cusum sampling plan on-line inspection*

	Grade A						Grade B						Grade C					
	Total[1]		Major		Severe		Total[1]		Major		Severe		Total[1]		Major		Severe	
	T	L	T	L	T	L	T	L	T	L	T	L	T	L	T	L	T	L
	18	8	8	4	6	4	32	11	16	7	14	7	30	10	24	9	18	8
AQL	10.0		4.0		3.0		19.0		9.0		8.0		17.0		14.0		10.0	

[1] Total=minor plus major plus severe.

§ 52.1987 Sample size.

The sample size to determine compliance with requirements for the prerequisites specified in § 52.1985 and other quality factors shall be as specified in the sampling plan in the Regulations Governing Inspection and Certification of Processed Fruits and Vegetables, Processed Products Thereof, and Certain Other Processed Food Products (§ 52.1–§ 52.83).

§ 52.1988 Compliance with quality requirements.

(a) *Lot inspection.* A lot of frozen strawberries is considered as meeting the requirements for quality if:

(1) The requirements for the prerequisite quality factors specified in § 52.1985 for the applicable grade are met;

(2) The number of defects does not exceed the AL value and the cumulative acceptance values for the various classifications specified in table IV or V, as applicable for the style; and

(3) In the case of whole style for grade A only, the number of "small size" berries does not exceed the AL value and the cumulative acceptance value specified in table I.

(b) *On-line inspection.* A production or any portion is considered as meeting requirements for quality if:

(1) The requirements for the prerequisite quality factors specified in § 52.1985 for the applicable grade are met;

(2) The "L" values in table IVa or Va, as applicable for the style, are not exceeded; and

(3) In the case of whole style for the grade A only, the number of "small size" berries does not exceed the "L" value in table Ia.

§ 52.1989 Compliance for unofficial samples.

(a) Compliance for unofficial sample units submitted for quality evaluation will be treated individually and each sample unit must comply with the allowance values for "small size" berries in whole style in paragraph (b) and for grade in paragraph (c) and (d) of this section. The sample unit size shall be as specified in § 52.1984.

(b) Compliance with "small size" berries—whole style—Grade A only.

TABLE VI.—*Size (whole—grade A only)*

	Number of units	Allowance for small size berries
Each sample unit	100	4

(c) Compliance for grade (Whole).

TABLE VII.—*Whole*

	Number of units	Grade A			Grade B			Grade C		
		Total[1]	Major	Severe	Total[1]	Major	Severe	Total[1]	Major	Severe
Each sample unit	100	14	5	2	30	14	5	36	18	9

[1] Total=minor plus major plus severe.

(d) Compliance for grade (sliced; halved).

TABLE VIII.—*Sliced; halved (color; workmanship)*

	Weight of product		Grade A			Grade B			Grade C		
	Grams	Ounces	Total[1]	Major	Severe	Total[1]	Major	Severe	Total[1]	Major	Severe
Each sample unit	650	22.9	13	8	6	32	16	14	30	21	16

[1] Total=minor plus major plus severe.

WILLIAM T. MANLEY,
Acting Deputy Administrator Commodity Operations.

[FR Doc.77-11874 Filed 4-27-77;8:45 am]

[7 CFR Part 52]

UNITED STATES STANDARDS FOR GRADES OF CANNED CLINGSTONE PEACHES[1]

AGENCY: Food Safety and Quality Service, USDA.

ACTION: Proposed Rule.

SUMMARY: This proposed rule would change the grading standards for canned clingstone peaches. This action is being taken at the request of the Canners League of California. The effect of this proposal would be to improve the standards.

DATE: Comments, in duplicate, must be received on or before March 1, 1978.

ADDRESS: Send comments to: Hearing Clerk, U.S. Department of Agriculture, Room 1077 South Building, Washington, D.C. 20250. Comments available for public review at the same address during regular business hours.

FOR FURTHER INFORMATION CONTACT:

Dale C. Dunham, Processed Products Standardization and Inspection Branch, Fruit and Vegetable Division, Food Safety and Quality Service, U.S. Department of Agriculture, Washington, D.C. 20250. (202-447-4693).

SUPPLEMENTARY INFORMATION:

EDITORIAL NOTE.—Food Safety and Quality Service intends to establish a new Chapter XXVIII in Title 7 of the Code of Federal Regulations. When this proposed rule is adopted, it will be recodified in Part 2852 of Title 7, Chapter XXVIII.

A proposed revision of the United States Standards for Grades of Canned Clingstone Peaches, which would convert the current score points variable-type standard to an attributes standard based on statistical principles, was suggested by the standards committee of the Canners League of California. This request is based on the results of a comprehensive study of a preliminary draft of an attributes grade standard for canned clingstone peaches, also requested by the aforementioned standards committee, conducted by the Department of Agriculture in 1976.

In compliance with the request from the standards committee, the Department is proposing a revision of the United States Standards for Grades of Canned Clingstone Peaches which would:

1. Convert the current score points variables standard to an attributes standard based on statistical principles;

2. Eliminate the score points since the attributes approach is a go no-go approach;

3. Eliminate the alternate grade nomenclature of "Fancy," "Choice" and "Standard" from the various grade classifications, retaining only the letter grades of U.S. Grade A, B, and C;

4. Provide for two separate inspection plans—one designed specifically for fixed lot inspection (after the product has been produced) and one designed specifically for on-line inspection (during production). The two cannot be used interchangeably but are both set to the same quality levels for each grade classification;

5. Eliminate minimum size requirements for individual units of halves and quarters;

6. Eliminate the maximum size variation requirements for the styles of whole, halves, and quarters in Grade C only. Size variation requirements would be retained for Grades A and B;

7. Change size variation requirements for the styles of whole, halves, and quarters in Grades A and B from a weight basis to a diameter basis since peaches are sized according to diameters rather than weight;

8. Provide for various defect classifications according to severity on frequency of occurrence classified as minor, major, severe, and critical, with descending allowances starting with the more liberal allowances for less severe or minor defects to more restrictive allowances for the more severe defects; and

9. Provide for separate acceptance criteria for unofficially submitted samples. These are single sample units that do not represent a lot.

The standards committee has requested at least one year from date of publication of the proposal to become acquainted with the new attributes concepts and evaluate its effect on production and quality control operations.

The proposed revision of §§ 52.2561-52.2564 and §§ 52.2569-52.2575 is as follows:

Sec.
52.2561 Product description.
52.2562 Styles.
52.2563 Definition of terms and symbols.
52.2564 Sample unit sizes.
52.2565 through 52.2568 not under study.
52.2569 Grades.
52.2570 Factors of quality.
52.2571 Classification of defects.
52.2572 Tolerances for grade compliance.
52.2573 Sample size.
52.2574 Compliance with quality requirements.
52.2575 Compliance for unofficial samples.

* * * * *

(AUTHORITY: Agricultural Marketing Act of 1946, Secs. 203, 205, 60 Stat. 1087, as amended 1090; 7 U.S.C. 1622, 1624).

§ 52.2561 Product description.

Canned clingstone peaches is the product represented as defined in the standard of identity for canned peaches (21 CFR 27.2 and 27.6) issued pursuant to the Federal Food, Drug, and Cosmetic Act. For the purposes of the standards in this subpart, and unless the text indicates otherwise, the terms "canned peaches" or "canned clingstone peaches" include "canned yellow clingstone peaches," "canned spiced yellow clingstone peaches," canned "solid-pack yellow clingstone peaches" and "canned artificially sweetened yellow clingstone peaches" as defined in the aforesaid standards of identity.

§ 52.2562 Styles.

(a) "Halves" or "Halved" consists of peeled and pitted peaches cut approximately in half along the suture from stem to apex.

(b) "Halves and pieces" consists of peeled and pitted peaches in which the halves will be more than 50 percent, by weight.

(c) "Quarters" or "Quartered" consists of halved peaches cut into two approximately equal parts.

(d) "Slices" or "Sliced" consists of peeled and pitted peaches cut into wedge-shaped sectors.

(e) "Dice" or "Diced" consists of peeled and pitted peaches cut into cube-like parts.

(f) "Whole" consists of peeled, unpitted whole peaches with or without stems removed.

(g) "Pieces" or "Irregular pieces," or "Mixed pieces of irregular sizes and shapes," consists of peeled, pitted peaches of irregular sizes and shapes.

[1] Compliance with the provisions of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act, or with applicable State laws and regulations.

§ 52.2563 Definitions of terms and symbols.

(a) *Absolute limit (AL).* Means the maximum number of defects permitted in a sample unit.

(b) *Acceptable Quality Level (AQL).* Means the maximum percent defective units or the maximum number of defects per hundred units that, for purposes of sampling inspection, can be considered satisfactory as a process average.

(c) *Acceptance Limit* (denoted by the symbol "L") as used in the cumulative sum (Cusum) sampling plans, is the maximum allowable accumulation of defects exceeding the sample unit tolerance (T) in any sample unit or any consecutive number of sample units.

(d) *Blemished* means any unit which is affected by scab, hail injury, or discoloration to the extent that the appearance or eating quality is affected:

(1) Not more than slightly;

(2) Materially; or

(3) Seriously.

(e) *Character* refers to the texture and tenderness of the product as follows:

(1) *Good character.* (i) *Halves; halves and pieces; quarters; sliced; pieces or irregular pieces.* The units possess at least a reasonably tender and fleshy texture typical of properly prepared and processed peaches and may be no more than slightly frayed.

(ii) *Diced.* The product generally possesses at least a reasonably tender texture typical of properly prepared and processed peaches; the units are intact and not excessively frayed.

(iii) *Whole.* The units possess a texture typical of properly prepared and processed peaches; the units are at least reasonably tender or the tenderness may be variable within the unit; the units may be slightly hard or slightly soft but are not mushy.

(2) *Fairly good character.* (i) *Halves; halves and pieces; quarters; sliced; pieces or irregular pieces.* The units possess a texture typical of properly prepared and processed peaches; the units may be fairly fleshy and fairly tender and may lack uniformity of tenderness. The units may be soft and/or frayed or may be markedly firm, but not excessively so.

(ii) *Diced.* The product generally possesses a fairly tender texture typical of properly prepared and processed peaches. The units are intact and not excessively frayed.

(iii) *Whole.* The units possess a fairly tender texture typical of properly prepared and processed peaches, the units may be lacking in uniformity of tenderness and may be markedly firm or markedly ragged or soft.

(3) *Poor character.* (All styles). The units are excessively soft or mushy or are excessively hard.

(f) *Color.* (1) *General.* The color of canned clingstone peaches other than canned "spiced" peaches refers to the predominant and characteristic color on the surface of whole units, and the outside surfaces of other units, except the cut surfaces of such units are also considered when adversely affected by discoloration. Units other than whole on which the pit cavity is abnormally discolored are considered as blemished.

In canned spiced peaches the color shall be normal.

(2) *Good color* means peach units that are equal to or better than light orangish-yellow. The units may possess slight discoloration due to oxidation, pigmentation, or other causes that do not more than slightly affect the appearance or edibility, or both, of the product. With respect to the overall color appearance means the color of the sample unit as a whole is bright and no more than slightly affected by oxidation, pigmentation, or other causes.

(3) *Fairly good color* means peach units that may fail to meet minimum color requirements for "good color" but are equal to or better than greenish-yellow. The units may possess slight discoloration due to oxidation, pigmentation, or other causes which materially affect the appearance or edibility, or both, of the product. With respect to the overall color appearance means the color of the sample unit as a whole is bright and is materially affected by oxidation, pigmentation, or other causes.

(4) *Poor color* means peach units that may fail to meet minimum color requirements for "fairly good color." The units may possess discoloration due to oxidation, pit pigmentation, or other causes which seriously affect the appearance or edibility, or both, of the product. With respect to the overall color appearance means the color of the sample unit as a whole is seriously affected by oxidation, pigmentation, or other causes.

(g) *Crushed or broken* in the styles of whole, halves, and quarters means:

(1) A unit is "crushed" if the unit has definitely lost its normal shape and is crushed not due to ripeness; and

(2) A unit is "broken" if severed into definite parts; units in halves style that are split from the edge to the pit cavity are not considered broken. Two or more portions of broken units are reassembled to approximate one full size unit and counted as one unit.

(h) *Cumulative sum sampling plan* (denoted by the term "Cusum") is an on-line sampling plan which accumulates the number of defects in a sample that exceed a specific sample unit tolerance. A portion of production is acceptable (meets grade requirements) if the cumulative total of defects does not exceed the specified acceptance limit.

(i) *Defect* means any specifically defined variation from a particular requirement.

(j) *Deviant*, as applied to these standards, means any container that fails to meet the lower limit for drained weights.

(k) *Extraneous vegetable material.* (1) *Small pieces* means long stems, pieces of twigs not more than 51 mm (2.0 in) in length, or leaf material or portions thereof.

(2) *Short stem* means the woody stem which attaches the peach to the twig of the tree and is 3 mm (0.12 inch) to 10 mm (0.39 inch) in length. Dark brown stems less than 3 mm (0.12 inch) in length are also considered as short stems. The small "collar" that may remain on the stem end of the peach should not be considered as extraneous vegetable material unless the overall appearance of the unit is definitely affected.

(l) *Mechanical damage.* (1) *Partial slice* in the style of slices is a unit that has had a semblance of a slice with respect to thickness and shape but is less than three-fourths of an apparent full slice and that does not bear marks of crushing. In determining the number of partial slices, the aggregate of two or more pieces to approximate the equivalent of an average full size slice shall be considered as one unit.

(2) *Detached piece* in the style of halves and quarters is a piece which has the appearance of a slice resulting from an off-suture cut or improper cutting and which is not attached to the half or quarter from which cut.

(3) *Gouges* means holes or gouges that do not destroy the normal configuration of the unit but adversely affect the appearance of the unit:

(i) Not more than slightly;

(ii) Materially; or

(iii) Seriously.

(4) *Off-suture cut* in the styles of halves and quarters is a unit which has been cut at a distance from the suture greater than 10 mm (0.39 inch) at the widest measurement and the appearance is affected:

(i) Not more than slightly;

(ii) Materially; or

(iii) Seriously.

(5) *Partially detached piece* in the style of halves and quarters is a piece which has the appearance of a slice resulting from an off-suture cut or that is less than 10 mm (0.39 inch) at the widest measurement and that is attached to the half or quarter from which cut, but is detached more than one-third of the length of the half or quarter along the suture approximately parallel with the suture.

(6) *Trim* means a unit in the styles of whole, halves, and quarters which the outside surface of the unit is trimmed to the extent that the contour of the unit is affected:

(i) Not more than slightly;

(ii) Materially; or

(iii) Seriously.

(m) *Peel* means the outer layer which adheres to the peach flesh or is found loose in the container and that is normally removed in the peeling process.

(n) *Sample* means any number of sample units to be used for inspection of a lot.

(o) *Sample unit* means the entire contents of a container, a portion of the contents of a container, or a combination of the contents of two or more containers as specified to be used for inspection.

(p) *Sample unit tolerance* (denoted by the symbol "T") as used in the cumulative sum (Cusum) sampling plans, is the allowable number of defects in any sample unit.

(q) *Shelly*, in the styles of halves, quarters, and slices means a unit in which the pit cavity has been trimmed to such an extent as to leave the unit only fairly fleshy.

(r) *Slab*, in the style of slices, means an irregularly shaped unit resulting from the slicing operation that materially deviates from the normal shape of a wedge-shaped sector.

(s) *Sliver*, in the style of slices, means any unit that weighs 3 grams (0.12 ounce) or less.

(t) *Unit* means one whole, half, quarter, slice, dice, or piece as applicable for the style.

§ 52.2564 Sample unit sizes.

(a) *Factors of quality.* Compliance with requirements for factors of quality is based on the following sample unit sizes for the respective style.

(1) Halves; Quarters; 30 units.

(2) Whole; 25 units.

(3) Sliced; 50 units or 100 units.

(4) Diced; 283 grams (10 ounces).

(5) Halves and pieces; Pieces or irregular pieces, 1132 grams (40 ounces).

NOTE.—§ 52.2565 through § 52.2568 not under study.

§ 52.2569 Grades.

(a) *"U.S. Grade A"* is the quality of canned clingstone peaches that:

(1) Meets the following prerequisites in which the peaches:

(i) Have similar varietal characteristics;

(ii) Have a normal flavor and odor;

(iii) Are practically free from pit material except for whole style;

(iv) Have a bright over-all good color appearance as a mass;

(v) Have a good character such that the number of units that possess fairly good character does not exceed the following:

(*a*) Whole; Halves; and Quarters, 1 unit;

(*b*) Sliced—50 units sample size, 3 units; 100 units sample unit size, 5 units;

(c) Halves and Pieces; and Pieces or irregular pieces, 2 units;

(*d*) Diced—the number of units of fairly good character no more than slightly affects the eating quality;

(vi) Do not exceed the aggregate area of peel specified for the style as follows:

(*a*) Whole—5.3 cm^2 (0.82 in^2);

(*b*) Halves: 30 unit sample unit size 5.3 cm^2 (0.82 in^2);

(*c*) Quarters—30 unit sample unit size 2.6 cm^2 (0.4 in^2);

(*d*) Sliced—50 unit sample unit size, 1.8 cm^2 (0.28 in^2); 100 unit sample unit size, 3.5 cm^2 (0.54 in^2);

(*e*) Diced—0.8 cm^2 (.12 in^2);

(*f*) Halves and Pieces; Pieces or irregular pieces, 3.2 cm^2 (.50 in^2).

(vii) In sliced style the units are at least reasonably uniform in size and shape.

(2) Are within the limits for defects as classified in Table I and specified in Tables II, III, IV, V, VI, VII, VIII, and IX or IIa, IIIa, IVa, Va, VIa, VIIa, VIIIa, or IXa, or alternates thereof as applicable for the style.

(b) *"U.S. Grade B"* is the quality of canned clingstone peaches that:

(1) Meets the following prerequisites in which the peaches:

(i) Have similar varietal characteristics;

(ii) Have a normal flavor and odor;

(iii) Are practically free from pit material except for whole style;

(iv) Have a bright overall color appearance as a mass;

(v) Have a reasonably good character such that the number of units that possess fairly good character does not exceed the following:

(*a*) Whole; Halves; Quarters, 3 units;

(*b*) Sliced—50 units sample unit size, 5 units, 100 units sample unit size, 10 units;

(*c*) Halves and pieces; Pieces or irregular pieces, 5 units;

(*d*) Diced—The number of units of fairly good character does not materially affect the eating quality.

(vi) Do not exceed the aggregate area of peel specified for the style as follows:

(*a*) Whole—21.3 cm^2 (3.3 in^2);

(*b*) Halves; 30 unit sample unit size, 21.3 cm^2 (3.3 in^2);

(*c*) Quarters—30 unit sample unit size, 10.6 cm^2 (1.6 in^2);

(*d*) Sliced—50 unit sample unit size, 7.0 cm^2 (1.1 in^2); 100 unit sample unit size, 14.0 cm^2 (2.2 in^2);

(e) Diced—3.1 cm^2 (.48 in^2);

(*f*) Halves and pieces; Pieces or irregular pieces, 12.3 cm^2 (1.9 in^2).

(vii) In sliced style the units are at least reasonably uniform in size and shape;

(2) Are within the limits for defects as classified in Table I and specified in Tables II, III, IV, V, VI, VII, VIII, or IX, or IIa, IIIa, IVa, Va, VIa, VIIa, VIIIa, or IXa, or alternates thereof as applicable for the style.

(c) *"US. Grade C"* is the quality of canned clingstone peaches that:

(1) Meets the following prerequisities in which the peaches:

(i) Have similar varietal characteristics;

(ii) Have a normal flavor and odor;

(iii) Are practically free from pit material except for whole style;

(iv) Have a fairly bright overall color appearance as a mass;

(v) Have a fairly good character such that the number of units that possess poor character does not exceed the following:

(*a*) Whole; Halves; Quarters, 3 units;

(*b*) Sliced—50 unit sample unit size, 5 units; 100 unit sample unit size, 10 units;

(*c*) Halves and pieces; Pieces or irregular pieces, 5 units;

(*d*) Diced—The number of units of poor character does not seriously affect the eating quality;

(vi) Do not exceed the aggregate area of peel specified for the style as follows:

(*a*) Whole—45.0 cm^2 (7.0 in^2);

(*b*) Halves—30 unit sample unit size, 45.0 cm^2 (7.0 in^2);

(*c*) Quarters—30 unit sample unit size, 22.5 cm^2 3.5 in^2);

(*d*) Sliced—50 unit sample unit size, 14.8 cm^2 (2.3 in^2); 100 unit sample unit sample unit size, 29.7 cm^2 (4.6 in^2);

(*e*) Diced—6.8 cm^2 (1.1 in^2);;

(*f*) Halves and pieces; Pieces or irregular pieces, 27.0 cm^2 (4.2 in^2);

(vii) Sliced—the units may be variable in size and shape;

(2) Are within the limits for defects as classified in Table I and specified in Tables II, III, IV, V, VI, VII, VIII, and IX or IIa, IIIa, IVa, Va, VIa, VIIa, VIIIa, IXa or alternates thereof as applicable for the style.

(d) *"Substandard"* is the quality of canned clingstone peaches that fail to meet the requirements for U.S. Grade C.

§ 52.2570 Factors of quality.

The grade of a lot of canned clingstone peaches is based on compliance with requirements for the following quality factors:

(a) Similar varietal characteristic;

(b) Flavor and odor;

(c) Color (overall color a prerequisite);

(d) Character (a prerequisite for diced styles);

(e) Uniformity of size (a prerequisite for sliced style);

(f) Workmanship;

(g) Blemished;

(h) Mechanical damage;

(i) Peel (a prerequisite);

(j) Off-suture cuts;

(k) Extraneous vegetable material; and

(l) Crushed or broken units (unclassified defect).

§ 52.2571 Classification of defects.

Defects are classified as to minor, major, severe, or critical. Each "X" mark in Table I represents "one (1) defect."

TABLE I.—*Classification of defects*

Quality factor	Defects	Classification			
		Minor	Major	Severe	Critical
Color	Fairly good (in grade A and B only)		×		
	Poor (in grades A, B, and C)			×	
Workmanship	Sliced:				
	Slivers		×		
	Clab			×	
	Diced: More than 20 mm (0.79 in) and less than 8 mm (0.31 in) (each 7 g 0.25 oz).	×			
	All sytles except diced: (in grades A and B only) frayed units.		×		
Blemished	All styles except diced: Affected not more than slightly.	×			
	Materially		×		
	Seriously			×	
	Diced: affected:				
	Materially		×		
	Seriously			×	
Uniformity of size	Whole; Halves; Quarters: Units that vary in diameter more than 1 cm (0.39 in) (in grades A and B only).	×			
Mechanical damage	Halves, quarters: Off-suture cuts, appearance affected:				
	Not more than slightly	×			
	Materially		×		
	Seriously			×	
	Partially detached pieces	×			
	Detached pieces			×	
	Halves, quarters, sliced: (in grades A and B only) Shelly units.		×		
	Whole, halves, quarters: Trim, appearance affected:				
	Not more than slightly	×			
	Materially		×		
	Seriously			×	
	Whole, halves, quarters, sliced: Gouges, appearance affected: Not more than slightly.	×			
	Materially		×		
	Seriously			×	
	Sliced: Partial slice		×		
Extraneous vegetable material	All styles except whole and diced short stems	×			
	All styles: Small pieces				×

§ 52.2572 Tolerances for defects.

TABLE II.—*Grade compliance crushed or broken, (in Grades A, B, and C) lot inspection*

Absolute limit (AL)	6		6	
Number of sample units	Number of units	Whole	Number of units	Halves; quarters
3	75	3	90	3
6	150	14	180	14
13	325	27	390	27
21	525	41	630	41
29	725	54	780	54
38	950	69	1,140	69
48	1,200	86	1,440	86
60	1,500	105	1,800	105
Acceptable quality level (AQL)		6.0		5.0

TABLE IIa.—*Cusum sampling plan on-line inspection*

	Whole		Halves; quarters	
	T	L	T	L
	2	2	2	2
AQL	6.0		5.0	

TABLE III.—*Grade compliance whole lot inspection*

Absolute limit (AL)		Grade A				Grade B				Grade C			
		8	3	2	2	10	8	3	2	13	10	8	3
Number of sample units	Number of units	Total [1]	Major	Severe	Critical	Total [1]	Major	Severe	Critical	Total [1]	Major	Severe	Critical
3	75	12	4	1	1	18	12	4	1	24	18	12	4
6	150	21	7	3	2	32	21	7	3	44	32	21	7
13	325	42	13	5	3	64	42	13	5	89	64	42	13
21	525	64	19	7	5	99	64	19	7	139	99	64	19
29	725	86	25	9	6	134	86	25	9	188	134	86	25
38	950	111	32	12	7	172	111	32	12	243	172	111	32
48	1,200	138	39	14	9	215	138	39	14	303	215	138	39
60	1,500	170	48	17	10	266	170	48	17	376	266	170	48
Acceptable quality level (AQL)		10.0	2.50	0.75	0.40	16.0	10.0	2.50	0.75	23.0	16.0	10.0	2.50

[1] Total=minor plus major plus severe plus critical.

TABLE IIIa.—*Cusum sampling plan on-line inspection*

	Grade A								Grade B								Grade C							
	Total [1]		Major		Severe		Critical		Total [1]		Major		Severe		Critical		Total [1]		Major		Severe		Critical	
	T	L	T	L	T	L	T	L	T	L	T	L	T	L	T	L	T	L	T	L	T	L	T	L
	3	3	1	1	¼	¼	½	½	5	3	3	3	1	1	¼	¼	7	4	5	3	3	3	1	1
AQL	10.0		2.50		0.75		0.40		16.0		10.0		2.50		0.75		23.0		16.0		10.0		2.50	

[1] Total=minor plus major plus severe plus critical.

TABLE IV.—*Grade compliance halves; quarters, lot inspection*

		Grade A				Grade B				Grade C			
Absolute limit (AL)		10	8	4	1	14	10	6	2	19	13	10	4
Number of sample units	Number of units	Total [1]	Major	Severe	Critical	Total [1]	Major	Severe	Critical	Total [1]	Major	Severe	Critical
3	90	18	12	4	1	27	18	8	2	38	24	18	4
6	180	32	22	7	1	49	32	14	3	71	44	32	7
13	390	64	43	14	3	99	64	27	6	145	88	64	14
21	630	100	65	20	4	155	100	41	8	228	138	100	20
29	870	135	88	27	5	210	135	54	11	310	186	135	27
38	1,140	174	113	34	7	271	174	69	13	402	241	174	34
48	1,440	217	141	42	8	339	217	86	16	504	301	217	24
60	1,800	269	173	51	9	419	269	105	20	625	372	269	51
Acceptable quality level (AQL)		13.50	8.5	2.25	0.30	21.50	13.50	5.0	0.75	32.5	19.00	13.50	2.5

[1] Total=minor plus major plus severe plus critical.

TABLE IVa.—*Cusum sampling plan on-line inspection*

	Grade A								Grade B								Grade C							
	Total [1]		Major		Severe		Critical		Total [1]		Major		Severe		Critical		Total [1]		Major		Severe		Critical	
	T	L	T	L	T	L	T	L	T	L	T	L	T	L	T	L	T	L	T	L	T	L	T	L
	5	3	3	3	1	1	½	½	8	4	5	3	2	2	½	½	11	6	7	4	5	3	1	1
AQL	13.50		8.5		2.25		0.30		21.50		13.50		5.0		0.75		32.5		19.00		13.50		2.25	

[1] Total=minor plus major plus severe plus critical.

TABLE V.—*Grade compliance sliced, lot inspection sample unit size, 100 slices*

		Grade A				Grade B				Grade C			
Absolute limit (AL)		22	14	6	4	35	28	12	6	58	41	27	8
Number of sample units	Number of units	Total [1]	Major	Severe	Critical	Total [1]	Major	Severe	Critical	Total [1]	Major	Severe	Critical
3	300	44	27	8	5	76	59	21	8	138	92	58	12
6	600	83	49	14	8	144	112	39	14	266	177	109	21
13	1,300	170	99	27	15	300	232	78	27	558	368	225	42
21	2,100	267	156	41	22	476	366	122	41	888	584	355	64
29	2,900	364	211	54	29	650	499	165	54	1,216	799	484	86
38	3,800	471	273	69	37	844	649	213	69	1,584	1,040	629	111
48	4,800	591	341	86	46	1,060	814	266	86	1,992	1,306	789	138
60	6,000	733	423	105	56	1,318	1,011	329	105	2,481	1,625	980	170
Acceptable quality level (AQL)		11.50	6.50	1.50	0.75	21.0	16.0	5.0	1.50	40.0	26.0	15.50	2.50

[1] Total=minor plus major plus severe plus critical.

TABLE Va.—*Cusum sampling plan on-line inspection*

	Grade A								Grade B								Grade C							
	Total [1]		Major		Severe		Critical		Total [1]		Major		Severe		Critical		Total [1]		Major		Severe		Critical	
	T	L	T	L	T	L	T	L	T	L	T	L	T	L	T	L	T	L	T	L	T	L	T	L
	13	6	8	4	2	2	1	1	23	9	18	8	6	4	2	2	43	13	28	10	17	8	3	3
AQL	11.50		6.50		1.50		0.75		21.0		16.0		5.0		1.50		40.0		26.0		15.50		2.50	

[1] Total=minor plus major plus severe plus critical.

TABLE V.—*Alternate 1 grade compliance sliced; lot inspection sample unit size, 50 slices*

		Grade A				Grade B				Grade C			
Absolute limit (AL)		13	9	4	3	20	17	8	4	33	24	16	5
Number of sample units	Number of units	Total [1]	Major	Severe	Critical	Total [1]	Major	Severe	Critical	Total [1]	Major	Severe	Critical
3	300	24	15	5	3	41	32	12	5	73	49	31	7
6	600	44	27	8	5	76	59	21	8	138	92	58	12
13	1,300	89	53	15	9	156	121	42	15	287	190	117	23
21	2,100	139	82	22	13	245	189	64	22	454	300	184	35
29	2,900	188	110	29	16	333	257	86	29	620	409	249	46
38	3,800	243	142	37	21	432	333	111	37	805	531	323	59
48	4,800	303	177	46	25	541	416	138	46	1,011	665	404	73
60	6,000	376	218	56	30	671	516	170	56	1,257	826	500	89
Acceptable quality level (AQL)		11.50	6.50	1.50	0.75	21.0	16.0	5.0	1.50	40.0	26.0	15.50	2.50

[1] Total=minor plus major plus severe plus critical.

TABLE Va.—*Alternate 1 Cusum sampling plan, on-line inspection; sample unit size, 50 slices*

	Grade A								Grade B								Grade C							
	Total[1]		Major		Severe		Critical		Total[1]		Major		Severe		Critical		Total[1]		Major		Severe		Critical	
	T	L	T	L	T	L	T	L	T	L	T	L	T	L	T	L	T	L	T	L	T	L	T	L
	7	4	4	3	1	1	1/3	1/2	12	8	10	5	3	3	1	1	22	9	15	7	9	5	2	2
AQL	11.50		6.50		1.50		0.75		21.0		16.0		5.0		1.50		40.0		26.0		15.50		2.50	

[1] Total=Minor plus major plus severe plus critical.

TABLE VI.—*Grade compliance diced; lot inspection*

Absolute limit (AL)			Grade A				Grade B				Grade C			
			33	17	8	2	56	40	15	2	73	44	40	3
Number of sample units	Weight of product		Total[1]	Major	Severe	Critical	Total[1]	Major	Severe	Critical	Total[1]	Major	Severe	Critical
	Grams	Ounces												
3	849	30	69	32	12	1	132	89	29	2	177	99	89	4
6	1,698	60	132	59	21	2	253	170	53	3	341	189	170	7
13	3,679	130	273	121	42	3	531	355	106	5	719	395	355	12
21	5,943	210	432	189	64	5	844	563	167	8	1,146	628	563	19
29	8,207	290	590	257	86	6	1,157	769	266	10	1,572	859	769	24
38	10,754	380	766	333	111	7	1,507	1,001	293	12	2,049	1,118	1,001	31
48	13,584	480	962	416	138	9	1,894	1,257	366	15	2,578	1,404	1,257	38
60	16,980	600	1,196	516	170	10	2,359	1,564	454	18	3,212	1,747	1,564	46
Acceptable quality level (AQL)			9.50	4.0	1.25	0.05	19.0	12.50	3.5	0.10	25.0	14.0	12.50	0.30

[1] Total=minor plus major plus severe plus critical.

TABLE VIa.—*Cusum sampling plan on-line inspection*

	Grade A								Grade B								Grade C							
	Total		Major		Severe		Critical		Total		Major		Severe		Critical		Total		Major		Severe		Critical	
	T	L	T	L	T	L	T	L	T	L	T	L	T	L	T	L	T	L	T	L	T	L	T	L
	21	9	9	5	3	3	1/3	1/3	41	13	27	10	8	4	1/3	1/3	55	14	30	10	27	10	1	1
AQL	9.50		4.0		1.25		0.05		19.0		12.50		3.5		0.10		26.0		14.0		12.50		0.30	

[1] Total=Minor plus major plus severe plus critical.

TABLE VII.—*Grade compliance halves and pieces; pieces or irregular pieces lot inspection*

Absolute limit (AL)			Grade A				Grade B				Grade C			
			7	4	2	1	9	6	4	2	12	9	6	4
Number of sample units	Weight of product		Total[1]	Major	Severe	Critical	Total[1]	Major	Severe	Critical	Total[1]	Major	Severe	Critical
	Grams	Ounces												
3	3,396	120	12	4	2	1	15	8	4	2	22	15	8	4
6	6,792	240	21	7	3	1	26	14	7	3	39	26	14	7
13	14,716	520	41	13	6	3	52	27	13	6	79	52	27	13
21	23,772	840	62	20	8	4	80	42	20	8	123	80	42	20
29	32,828	1,160	84	26	11	5	108	56	26	11	167	108	56	26
38	43,016	1,520	108	33	13	6	139	71	33	13	215	139	71	33
48	54,336	1,920	134	41	16	8	173	88	41	16	269	173	88	41
60	67,920	2,400	165	50	19	9	214	108	50	19	332	214	108	50
Acceptable quality level (AQL)			11.0	3.0	1.0	0.40	14.50	7.0	3.0	1.0	23.0	14.50	7.0	3.0

[1] Total=minor plus major plus severe plus critical.

TABLE VIIa.—*Cusum sampling plan on-line inspection*

	Grade A								Grade B								Grade C							
	Total[1]		Major		Severe		Critical		Total		Major		Severe		Critical		Total[1]		Major		Severe		Critical	
	T	L	T	L	T	L	T	L	T	L	T	L	T	L	T	L	T	L	T	L	T	L	T	L
	3	3	1	1	1/4	1/4	1/6	1/6	4	3	2	2	1	1	1/4	1/4	6	4	4	3	2	2	1	1
AQL	11.0		3.0		1.0		0.40		14.50		7.0		3.0		1.0		23.0		14.50		7.0		3.0	

[1] Total=minor plus major plus severe plus critical.

§ 52.2573 Sample size.

(a) *General.* The sample size to determine compliance with requirements of these standards shall be as specified in the sampling plans and procedures in the "Regulations Governing Inspection and Certification of Processed Fruits and Vegetables and Related Products" (§ 52.1–§ 52.83) for Lot Inspection or on-line inspection, as applicable.

§ 52.2574 Compliance with quality requirements.

(a) *Lot inspection.* A lot of canned clingstone peaches is considered as meeting the requirements for quality if:

(1) The prerequisite requirements specified in § 52.2569 are not exceeded;

(2) The defects permitted and the AL values for the applicable defect classifications specified in Tables II, III, IV, V, VI, and VIII, or Alternates thereof are not exceeded.

(b) *On-line inspection.* A lot of canned clingstone peaches is considered as meeting requirements for quality if:

(1) The prerequisite requirements specified in § 52.2569 are not exceeded; and

(2) The L values in Tables IIa, IIIa, IVa, Va, VIa, and VIIa, or Alternates thereof are not exceeded.

§ 52.2575 Compliance for unofficial samples.

(a) *General.* Unofficial sample units submitted for quality evaluation will be treated individually and each sample unit must comply with the allowance values specified in paragraph (b) of this section. The sample unit size must be as specified in § 52.2564.

(b) *Compliance for Quality.*

TABLE VIII.—*Crushed or broken*

	Number of units	Whole	Number of units	Halves quarters
Each sample unit	25	2	30	2

TABLE IX.—*Whole classified defects*

	Number of units	Grade A				Grade B				Grade C			
		Total	Major	Severe	Critical	Total	Major	Severe	Critical	Total	Major	Severe	Critical
Each sample unit	25	3	1	0	0	5	3	1	0	7	4	3	1

TABLE X.—*Halves; quarters classified defects*

	Number of units	Grade A				Grade B				Grade C			
		Total	Major	Severe	Critical	Total	Major	Severe	Critical	Total	Major	Severe	Critical
Each sample unit	30	5	3	1	0	8	5	2	0	11	7	5	1

TABLE XI.—*Slices classified defects*

	Number of units	Grade A				Grade B				Grade C			
		Total	Major	Severe	Critical	Total	Major	Severe	Critical	Total	Major	Severe	Critical
Each sample unit	100	13	8	2	1	23	18	6	2	43	28	17	3

TABLE XII.—*Diced classified defects*

	Weight		Grade A				Grade B				Grade C			
	Grams	Ounces	Total	Major	Severe	Critical	Total	Major	Severe	Critical	Total	Major	Severe	Critical
Each sample unit	283	10	21	9	3	0	41	27	8	0	55	30	27	1

TABLE XIII.—*Halves and pieces; pieces or irregular pieces*

	Weight		Grade A				Grade B				Grade C			
	Grams	Ounces	Total	Major	Severe	Critical	Total	Major	Severe	Critical	Total	Major	Severe	Critical
Each sample unit	1,132	40	3	1	0	0	4	2	1	0	6	4	2	1

Dated: April 19, 1977.

WILLIAM T. MANLEY,
Acting Deputy Administrator
Commodity Operations.

[FR Doc.77-11834 Filed 4-27-77;8:45 am]

[7 CFR Part 52]

UNITED STATES STANDARDS FOR GRADES OF TABLE MAPLE SIRUP [1]

AGENCY: Food Safety and Quality Service, USDA.

ACTION: Proposed rule.

SUMMARY: This second proposed rule would change the grading standards for table maple sirup. The first action was taken to incorporate new Food and Drug Standards of Identity. This second action is taken as a result of comments received to the initial proposal. The ultimate effect of these proposals will be the improvement of the standards.

DATE: Comments in duplicate, must be received on or before April 1, 1978.

ADDRESS: Send comments to: Hearing Clerk, U.S. Department of Agriculture, Room 1077, South Building, Washington, D.C. 20250. Comments will be available for public inspection at the same address during regular business hours.

FOR FURTHER INFORMATION CONTACT:

Dale C. Dunham, Processed Products Standardization and Inspection Branch, Fruit and Vegetable Division, Food Safety and Quality Service, U.S. Department of Agriculture, Washington, D.C. 20250 (202-447-4693).

SUPPLEMENTARY INFORMATION:

EDITORIAL NOTE.—Food Safety and Quality Service intends to establish a new Chapter XXVIII in Title 7 of the Code of Federal Regulations. When this proposed rule is adopted, it will be recodified in Part 2852 of Title 7, Chapter XXVIII.

The current United States Standards for Grades of Table Maple Sirup and for Grades of Maple Sirup for Reprocessing

[1] Compliance with the provisions of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act, or with applicable State laws and regulations.

have been in effect since February 15, 1940 (although both were amended, effective May 24, 1967, to incorporate changes in format and rearrangement of text).

A previous notice of proposed rulemaking to revise and combine these grade standards appeared in the FEDERAL REGISTER (40 FR 50049) of October 28, 1975. Interested persons were invited to submit, to the Department, written data, views or arguments in connection with the notice not later than November 28, 1975.

The docket of October 28, 1975 proposed:

1. Combining the two existing standards into a single standard.

2. Designating Table Maple Sirup and Maple Sirup for Reprocessing as "Types."

3. Changing the grade names to U.S. Grade A, U.S. Grade B, U.S. Grade C, and Substandard.

4. Updating the lot acceptance criteria to conform with the procedures used for other processed products.

Prompted by the need to revise the two U.S. Department of Agriculture maple sirup standards following the promulgation of Food and Drug Standards of Identity, it was deemed advisable to combine the two current standards into one. (The basic difference between the two standards is in the area of color.) It was proposed to differentiate between the table sirup and the sirup for reprocessing by including each as a "type."

The need to standardize and simplify grade nomenclature has been established. Preparatory to proposing the revision, a letter was sent to the Departments of Agriculture of several maple producing states asking their thoughts about changing and simplifying the grade nomenclature. A majority of those responding favored the nomenclature proposed.

The product description was restated to adopt the newly effective Food and Drug Standard of Identity—including its increased Brix measurement.

An updating of the lot acceptance criteria was included in the proposal. The proposed criteria would bring the maple sirup standards under the same procedures used for other processed products.

The comments received took exception to the manner in which the product color was delineated. Present consumer preferences indicate that a Grade A product in the light amber, medium amber and dark amber ranges would be desirable. Also, the need or desirability of having standards for sirup intended for further processing was seriously questioned.

This second notice of proposed rulemaking includes a revised proposal for delineating color, eliminates the previously proposed inclusion of grades for sirup for reprocessing and would change the grade names to U.S. Grade A, U.S. Grade B, and Substandard as a result of the comments submitted to the first notice. Other changes proposed in the first notice, which are of an editorial nature, are also included.

The proposed revision of §§ 52.5961–52.5967 is as follows:

Subpart—United States Standards for Grades of Maple Sirup

Sec.

52.5961 Product description.
52.5962 Grades of Maple Sirup.
52.5963 Recommended fill of container.
52.5964 Color.
52.5965 Classification of requirements.
52.5966 Explanation of terms.
52.5967 Determining the grade of a lot.

* * * * *

AUTHORITY: Agricultural Marketing Act of 1946, secs. 203, 205, 60 Stat. 1087 as amended; 1090, as amended; 7 U.S.C., 1922, 1964.

NOTE.—Compliance with the provisions of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act, or with applicable State laws and regulations.

§ 52.5961 Product description.

(a) "Maple sirup" means maple sirup as defined in the Standards of Identity for Maple Sirup (21 CFR 168.140) issued pursuant to the Federal Food, Drug and Cosmetic Act; *Provided however,* That: Maple sirup that is processed or packaged in such a manner that any naturally occurring soluble materials are added or removed, or to which additives of any kind have been added, is not covered by the standards contained in this subpart. (Nothing in this proviso is intended to prohibit the use of recognized inert filtering agents which are used for the sole purpose of aiding the removal of suspended matter.)

(b) The sirup shall have a soluble solids content of not less than 66.0 degrees Brix at 20° C (68° F). Brix shall be determined refractometrically or by Brix spindle.

§ 52.5962 Grades of maple sirup.

(a) "U.S. Grade A" is the quality of maple sirup that:

(1) Has good color;

(2) Has good flavor and odor;

(3) Is practically free from defects; and

(4) Is practically clear.

(b) "U.S. Grade B" is the quality of maple sirup that:

(1) Has reasonably good color;

(2) Has reasonably good flavor and odor;

(3) Is reasonably free from defects; and

(4) Is reasonably clear.

(c) "Substandard" is the quality of maple sirup that fails to meet the requirements for U.S. Grade B.

§ 52.5963 Recommended fill of container.

The recommended fill of container is not incorporated in the grades of the product since fill of container, as such, is not a factor of quality for the purposes of these grades. It is recommended that each container be filled with sirup as full as practicable.

§ 52.5964 Color.

(a) *General.* Color has reference to the color of maple sirup when examined by means of the USDA permanent glass color standards for maple sirup.

(b) *Availability of color standards.* The color standards referred to in this section are available from the approved supplier under a license from the U.S. Department of Agriculture:

Phoenix Precision Instrument Division, The Virtis Company, Inc., Route 208, Gardiner, New York 12525.

§ 52.5965 Classification of requirements.

(a) (*A*) *classification.* (1) "Good color" means that the color is bright and typical of maple sirup prepared from sound, properly gathered sap; and in addition, meets the following spectral requirements:

(i) U.S. Grade A Light Amber is as light, or lighter, in color than the USDA Light Amber Glass Color Standard.

(ii) U.S. Grade A Medium Amber is darker in color than Light Amber, but is no darker than the USDA Medium Amber Glass Color Standard.

(iii) U.S. Grade A Dark Amber is darker in color than Medium Amber, but is no darker than the USDA Dark Amber Glass Color Standard.

(2) The sirups shall be no cloudier than the USDA Light Amber Cloudy Standard.

(3) The sirups shall have a good maple flavor characteristic of the color; shall be clean, practically free from damage; shall be free from serious damage.

(b) (*B*) *classification.* (1) "Reasonably good color" means that the color is darker in color than the USDA Dark Amber Glass Color Standard, but is not off-color for any reason.

(2) The sirup shall be no cloudier than the USDA Dark Amber Cloudy Standard.

(3) The sirup has reasonably good characteristic maple flavor; is reasonably free from damage, is free from serious damage.

(c) *Substandard classification.* Maple sirup that fails to meet the requirements of paragraph (b) of this section shall not be graded above Substandard.

§ 52.5966 Explanation of terms.

(a) "Cloudiness" means presence in suspension of fine particles of mineral matter, such as malate of lime, "niter," "sugar sand," or other substances that detract from the clearness of the sirup.

(b) "Clean" means that the sirup shall be practically free from foreign material such as pieces of bark, soot, dust, and dirt.

(c) "Damage" means any defect that materially affects the appearance or edibility or shipping quality of the sirup.

(d) "Serious damage" means any defect that seriously affects the edibility or market value of the sirup. Badly scorched sirup, buddy sirup, fermented sirup or sirup that has any distasteful foreign flavor or disagreeable odor shall be considered as seriously damaged.

(e) "Buddy flavor, buddiness" is an unpleasant flavor characteristic of sirup made from sap collected from maple trees as they come out of dormancy.

(f) "U.S. Department of Agriculture Color Standards" means the official U.S. Department of Agriculture Permanent Glass Color Standards for Maple Sirup.

§ 52.5967 Determining the grade of a lot.

The grade of a lot of maple sirup covered by these standards is determined by the procedures set forth in the Regulations Governing Inspection and Certification of Processed Fruits and Vegetables, and Processed Products Thereof, and Certain Other Processed Food Products (§§ 52.1 through 52.83); *Provided*, That:

(a) When certifying the color of a sample that has been officially drawn and which represents a specific lot of maple sirup, the lot shall be considered as being of one color if the number of color deviants does not exceed the acceptance number in the appropriate sampling plan; *Provided however*, That: None of the sample units fall below the next darker color designation.

(b) No deviants for "serious damage" shall be allowed.

Dated: April 14, 1977.

CAROL TUCKER FOREMAN,
Assistant Secretary for Food and Consumer Services.

[FR Doc.77-11875 Filed 4-27-77;8:45 am]